THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16387 of 2006

Dated: 25-08-2006

Between:

K. Laxma Reddy and two others.

..... PETITIONERS

AND

The Joint Collector, Ranga Reddy District, and four others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16387 of 2006

ORDER:

The first petitioner and another person, by name, K. Ram Reddy filed a revision under Section 9 of the Andhra Pradesh Rights in Land and Pattadar Pass Books Act, 1971 before the Joint Collector, the first respondent herein, feeling aggrieved by the orders of the Revenue Divisional Officer (RDO), (East), in file No.A2/4059/1997, dated 24-03-1998. The first respondent dismissed the revision case No.D5/6276/2002 by order dated 13-12-2005 on the ground that though Ram Reddy died, steps were not taken to bring the legal representatives on record. Therefore, the first petitioner filed an application to set aside the order of the first respondent dated 13-12-2005 along with an application to condone the delay. The legal representatives of late Ram Reddy also filed similar applications. However, the first respondent, by order dated 05-07-2006, rejected the application to set aside the default order/to reopen the matter on the ground that no application to bring the legal representatives of the deceased Ram Reddy on record was filed. Therefore, the present writ petition is filed seeking invalidation of the order of the Joint Collector.

As the controversy depends on the verification of the allegation as to whether such application was filed or not, this Court summoned the record from the office of the first respondent. A perusal of the same would show that even by the date of dismissal of the revision case for default i.e., on 13-12-2005, proper applications were filed. Therefore, this Court holds that the first respondent passed orders under a mistake of fact and therefore, the matter should be reopened and heard. Accordingly the impugned order dated 05-07-2006 is set aside. The matter is remanded to the first respondent with a direction to reopen the matter impleading the legal representatives of the deceased Ram Reddy and decide the same on merits. It shall be open to the petitioners to approach the first respondent with a copy of this order.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

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V.V.S.RAO, J

25th August, 2006
ghn